

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BOBBY R. KNOX, JR.,)	
)	
Plaintiff,)	
)	
v.)	1:13CV1118
)	
ARTHUR DAVIS, et al.,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, submitted a civil rights action pursuant to 42 U.S.C. § 1983. The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
2. Plaintiff's claims do not appear to be intelligible. Instead, they are a rambling mix of varied allegations and conclusory statements. He must make his claims clear enough for the Court to evaluate them and for Defendants to file an answer.
3. Plaintiff has not named proper defendants. Plaintiff must name the persons who are actually responsible for the alleged violations of his constitutional rights. It is not clear from his Complaint what he alleges that the named Defendants did or did not do that violated his federal rights.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present

Complaint. To the extent Petitioner chooses to file a new Complaint, the Court also notes that it appears that the potential defendants may be located in the Eastern and Western Districts of North Carolina. At least most of the events challenged in the Complaint appear to have occurred in those Districts as well, although this is not certain due to the unclear nature of the allegations in the Complaint. Therefore, it appears that venue would be proper in those Districts, and Petitioner may obtain forms and instructions from the Clerk's Offices for filing in those Districts. See 28 U.S.C. § 1391(b). The address for the Eastern District is 310 New Bern Avenue, Room 574, Raleigh, NC 27601. The address for the Western District is Room 210, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202.¹

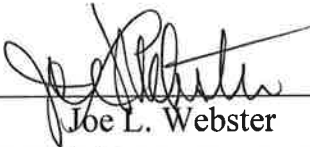
In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

¹ If Plaintiff chooses to re-file his complaint here in this District, he should request the proper forms from this Court's Clerk's Office. He should also correct all of the matters noted above and should include a statement addressing the proper venue in this case, for the Court's consideration in determining whether this case must be transferred to a proper district pursuant to 28 U.S.C. § 1406.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms and in a proper district, which corrects the defects cited above.

This, the 6th day of January, 2014.



Joe L. Webster
United States Magistrate Judge